

PERFORMANCE REPORT
ON THE
OFFICE OF THE REVISOR OF STATUTES
FOR THE PERIOD
JULY 1, 1983 - June 30, 1984

JULY 1, 1984

The functions of the Office of the Revisor of Statutes are established by law, rule, or custom. Twenty-nine identifiable functions were assigned during some portion of the year. Of that number, five require only minimal work. Four functions were terminated during the year. One major temporary function, the gender neutralization of the statutes, was added. Of this extensive number, the principal functions of the office remain drafting and publishing.

To ensure continued high quality performance of all functions, the office has established a yearly program of self-evaluation. This written review is the office's sixth evaluation of its yearly performance. It is intended to provide a more comprehensive look at how the office has performed than merely looking at production statistics or making a "seat of the pants" judgment on how "well" the office is doing. The report is divided into two parts. The performance of the drafting and publishing duties, in terms of production volume, is shown in the tables on the following pages. The office's performance on each of its twenty-nine assigned functions is then analyzed.

One major accomplishment affected the whole office this year. A written agreement was reached with senate counsel defining the two offices' duties and responsibilities. This agreement provides a framework for augmented cooperation and better staff services to the legislature. As a consequence of this agreement, one set of statistics has been dropped from this report: the number of enrolled bills originally drafted in various offices. These numbers are in the nature of "market penetration" statistics. The agreement makes it clear that the revisor and senate counsel are not competing for the most or the most significant drafting. The "market penetration" figures are, therefore, irrelevant now that the functions of the two offices have been limited and cooperation toward a common goal assured.

One general problem affected the whole office in the past fiscal year. Because of the remodeling of the State Office Building, the office was forced to remove staff from the sixth floor of that building and consolidate most operations in the State Capitol. This was accomplished with minimum disruption of staff activity. However, conditions are very crowded in the capitol and the lack of privacy for some of the attorneys affects both their confidentiality and effectiveness. The computer and the computer staff were moved to ISB. Despite ISB's generosity in putting up with us temporarily, conditions at ISB are intolerable. Staff members are working in hallways doing difficult, complex work that needs intense concentration. The equipment is in aisles in the ISB machine room and does not meet IBM's clearance requirements. The sooner we move into permanent quarters, the better.

OFFICE OF THE REVISOR OF STATUTES
EARLY PRODUCTION STATISTICS

LEGISLATIVE EDITORIAL OPERATIONS

Session Year	Chapters	Session Law Pages	Average Pages Per Chapter	Statute or Supplement Pages	Statutory Sections- Amended	Statutory Sections- New	Statutory Sections- Repealed	Statutory Sections- Other	Total Statutory Sections- Affected
1973	783	2472	3.15	1280	1965	1173	1210	0	4348
1974	583	1457	2.50	7091	1120	950	599	0	2669
<u>TOTAL</u>	<u>1366</u>	<u>3929</u>	<u>2.87</u>	<u>8371</u>	<u>3085</u>	<u>2123</u>	<u>1809</u>	<u>0</u>	<u>7017</u>
1975	437	1623	3.72	958	1335	851	714	0	2900
1976	348	1405	4.04	7509	1533	748	782	0	3063
<u>TOTAL</u>	<u>785</u>	<u>3028</u>	<u>3.86</u>	<u>8467</u>	<u>2868</u>	<u>1599</u>	<u>1496</u>	<u>0</u>	<u>5963</u>
1977	455	1449	3.19	874	1508	652	543	0	2703
1978	342	1251	3.66	8253	1315	535	312	0	2162
<u>TOTAL</u>	<u>797</u>	<u>2700</u>	<u>3.39</u>	<u>9127</u>	<u>2823</u>	<u>1187</u>	<u>855</u>	<u>0</u>	<u>4865</u>
1979 & Specials	343	1297	3.78	757	1233	508	389	0	2130
1980	283	1621	5.73	10,704	1606	838	598	0	3042
<u>TOTAL</u>	<u>626</u>	<u>2918</u>	<u>4.66</u>	<u>11,461</u>	<u>2839</u>	<u>1346</u>	<u>987</u>	<u>0</u>	<u>5172</u>
1981 & Specials	381	2602	7.19	1732	2522	975	875	25	4397
1982 & Specials	272	1786	6.57	11,509	1543	667	443	21	2675
<u>TOTAL</u>	<u>653</u>	<u>4388</u>	<u>6.73</u>	<u>13,241</u>	<u>4065</u>	<u>1642</u>	<u>1318</u>	<u>46</u>	<u>7072</u>
1983	375	2905	7.7	2,151	2506	896	506	14	3922
1984	282	2409	8.5	12,354*	2225	789	590	8	3612
<u>TOTAL</u>	<u>657</u>	<u>5314</u>	<u>8.08</u>	<u>14,505*</u>	<u>4731</u>	<u>1685</u>	<u>1096</u>	<u>22</u>	<u>7534</u>

* Estimated.

OFFICE OF THE REVISOR OF STATUTES
 YEARLY PRODUCTION STATISTICS

BILL DRAFTING OPERATIONS

<u>Session Year</u>	<u>Drafting Files</u>	<u>Net Drafting Files Introduced</u>	<u>%</u>	<u>Amendment Drafts</u>	<u>Total Bill Introductions</u>	<u>Bill Comparisons</u>	<u>Conference Committee Reports</u>	<u>Misc. Documents Including Appropriations</u>
1973	4771	*	*	*	5113	*	*	*
1974	2030	*	*	*	2202	*	*	*
<u>TOTAL</u>	<u>6801</u>	<u>3621</u>	<u>53%</u>	*	<u>7315</u>	*	*	*
1975	3683	*	*	*	3643	*	*	*
1976	1541	*	*	*	1654	*	*	*
<u>TOTAL</u>	<u>5224</u>	<u>2645</u>	<u>51%</u>	<u>559</u>	<u>5297</u>	*	*	*
1977	3301	*	*	388	3268	197	*	*
1978	1418	*	*	*	1680	171	*	*
<u>TOTAL</u>	<u>4719</u>	<u>3049</u>	<u>65%</u>	*	<u>4948</u>	<u>368</u>	*	*
1979	3267	1998	61%	425	3249	138	49	*
Special	8	3		0	3	0	0	*
1980	1571	974	62%	454	1692	180	55	*
<u>TOTAL</u>	<u>4846</u>	<u>2975</u>	<u>61%</u>	<u>879</u>	<u>4944</u>	<u>318</u>	<u>104</u>	*
1981	2901	1817	63%	395	3018	227	72	*
Specials	35	18	51%	10	27	0	0	*
1982	1562	876	56%	404	1484	159	62	*
<u>TOTAL</u>	<u>4498</u>	<u>2711</u>	<u>60%</u>	<u>809</u>	<u>4529</u>	<u>386</u>	<u>134</u>	*
1983	2607	1594	61%	566	2690	225	92	*
1984	1651	1088	66%	546	1803	212	40	172
<u>TOTAL</u>	<u>4258</u>	<u>2682</u>	<u>63%</u>	<u>1112</u>	<u>4493</u>	<u>437</u>	<u>132</u>	*

* Statistics not available

ICE OF THE REVISOR OF STATUTES
 RLY PRODUCTION STATISTICS

ROSSING AND ENROLLING OPERATIONS

ession Year	Engrossed House Bills	Engrossed Senate Bills	Unofficial House Engrossments	Unofficial Senate Engrossments	Total Engrossments	House Enrollments	Senate Enrollments	Total Enrollments	Vetoes	Senate & House Resolutions Enrolled
73	*	*	*	*	*	420	363	783	0	8
74	*	*	*	*	*	297	286	583	0	2
<u>73-74</u>	*	*	*	*	*	<u>717</u>	<u>649</u>	<u>1366</u>	<u>0</u>	<u>10</u>
75	763	648	2	4	1411	257	180	437	1	1
76	475	432	73	6	907	174	176	350	4	2
<u>75-76</u>	<u>1238</u>	<u>1080</u>	<u>75</u>	<u>10</u>	<u>2318</u>	<u>431</u>	<u>356</u>	<u>787</u>	<u>5</u>	<u>3</u>
77	608	716	67	6	1324	211	244	455	0	1
78	544	431	58	15	975	242	100	342	0	2
<u>77-78</u>	<u>1152</u>	<u>1147</u>	<u>125</u>	<u>21</u>	<u>2299</u>	<u>453</u>	<u>344</u>	<u>797</u>	<u>0</u>	<u>3</u>
79	494	584	65	7	1078	194	151	345	5	3
Special						1	2	3	0	0
80	381	511	53	4	892	139	144	283	5	0
<u>79-80</u>	<u>875</u>	<u>1095</u>	<u>118</u>	<u>11</u>	<u>1970</u>	<u>334</u>	<u>297</u>	<u>631</u>	<u>10</u>	<u>3</u>
81	388	633	26	14	1021	194	192	386	7	3
Specials	20	7	0	0	27	13	7	20	1	1
82	461	435	24	12	896	161	125	286	10	5
<u>81-82</u>	<u>869</u>	<u>1075</u>	<u>50</u>	<u>26</u>	<u>1944</u>	<u>368</u>	<u>324</u>	<u>692</u>	<u>18</u>	<u>9</u>
83	626	635	40	18	1261	205	182	387	1	11
84	513	481	26	9	994	162	136	298	5	11
<u>83-84</u>	<u>1139</u>	<u>1116</u>	<u>66</u>	<u>27</u>	<u>2255</u>	<u>367</u>	<u>318</u>	<u>685</u>	<u>6</u>	<u>22</u>

* Statistics not available

OFFICE OF THE REVISOR OF STATUTES
 EARLY PRODUCTION STATISTICS

ADMINISTRATIVE RULES - SOURCE AND TYPE OF RULE DRAFTING

	<u>Agencies Served</u>	<u>Department-level Agencies</u>	<u>Smaller Agencies</u>	<u>Original Drafts by Revisor</u>	<u>Agency Drafts Needing Few Changes</u>	<u>Agency Drafts Needing Many Changes</u>
Y. 1982	46	13	33	1	15	65
Y. 1983	40	16	24	0	35	105
Y. 1984	39	17	22	0	40	145

OFFICE OF THE REVISOR OF STATUTES
DRAFTING AND FORM APPROVAL OF PROPOSED RULES

ADMINISTRATIVE RULES - DRAFTING AND FORM APPROVAL OF PROPOSED RULES

	(1) <u>Drafting Files</u>	(2) <u>Rough Drafts Prepared</u>	(3) <u>Preliminary Drafts Prepared</u>	(4) <u>Final Proposed Rule Drafts Approved</u>	(5) <u>Total (2)+(3)+(4)</u>	(6) <u>Average Drafts Per File</u>
7. 1982	195	175	104	201	480	2.5
7. 1983	140	140	154	117	411	2.9
7. 1984	185	185	205	241	631	3.4

OFFICE OF THE REVISOR OF STATUTES
 ANNUAL PRODUCTION STATISTICS

ADMINISTRATIVE RULES - DRAFTING AND FORM APPROVAL OF ADOPTED RULES

	<u>Modification Drafts after Proposed Stage</u>	<u>Files Disapproved at Adoption Stage</u>	<u>Files Approved after Disapproval</u>	<u>Files Approved Without being Disapproved</u>	<u>Total Files Approved For Adoption</u>
Y. 1982	109	44*	44*	80	124
Y. 1983	73	0	0	117	117
Y. 1984	95	0	0	135	135

One-half of these files represent rules proposed without revisor approval before July 1, 1981.

OFFICE OF THE REVISOR OF STATUTES
YEARLY PRODUCTION STATISTICS

COMMITTEE REPORTS*

<u>Session Year</u>	<u>House Committee Reports</u>
1983	445
<u>1984</u>	<u>371</u>
TOTAL	816

*The revisor did not draft committee reports before 1983 and now only does it for the house.

Function:

- drafting bills, resolutions, and amendments for the members of the legislature, the heads of departments, and the governor.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (1) (to be recodified as Minnesota Statutes 1984, section 3C.03, subdivision 2).

Performance:

The office prepared 1651 bills and resolutions and 546 amendments for the 1984 session of the legislature. Statistics on bill draft length are not available; but, based on the amount of computer storage used, it is believed that the length of bills has gone up. The number of amendments drafted represents a sharp increase in the number drafted over equivalent periods two and four years ago. Reasons for the increases are subject to speculation.

Virtually all drafts were completed within the time allotted by the requester. All attorneys are reminded repeatedly of the importance of the delivery of drafts within the time allotted by the requester. All drafting files are reviewed to ensure that prompt delivery is the normal procedure. During the year, no complaints of late delivery came to the attention of the revisor, the deputy revisor for drafting, or the assistant deputy revisor for bills.

Problems:

The old ineffective statutory search program that was used to assist drafting has been replaced by a new on-line searching program. The new program can be used directly by anybody with access to a computer terminal. In addition, administrative rules and other data bases can also be searched now. These advantages are important; but, because of the prospect of increased use and increased users, the search activity will need more than the rather casual management used up to this point. Consequently, a permanent project manager has been appointed who will, subject to the revisor's direction, manage the search activity.

Function:

- examine bills and endorse approval of both form and compliance with joint rules and house rules.

Source of Mandate: House Rule 5.1.

Performance:

All bills prepared for introduction in the House of Representatives (which, in practice, means all bills since bills drafted for a senator have house copies) were checked for compliance with legislative rules. This function was continued without difficulty and is integrated into the bill drafting procedure.

Problems:

None

Function:

- preparing house committee reports.

Source of Mandate: Minnesota Statutes 1982, section 482.03, clause (9) (to be recodified as Minnesota Statutes 1984, section 3C.04, subdivision 6); (requested by the speaker and chief clerk).

Performance:

The prior practice of checking the formal accuracy of house committee reports and recommending changes was much enlarged in 1983 so that the reports were entirely prepared in the revisor's office. This practice continued in 1984. There were 371 reports prepared. This work was a large addition to the office's drafting load. The product was satisfactory to the house and solved a problem of numerous journal corrections to house committee reports. It also substantially reduced the number of problems connected with engrossing house amendments and reduced the time used to prepare engrossments.

An excellent working relationship has been created between the office's staff and Darlene Keran, who is the principal house staff person responsible for forwarding committee report material to the revisor's office. The working relationship facilitated advance planning for the work necessary to be done each day. One result of the planning was the reduction of staff overtime on committee report deadline weekends to a minimal level.

The completion of house committee reports went smoothly in every respect.

Problems:

None

Function:

- drafting administrative rules upon the request of an agency.

Source of Mandate: Minnesota Statutes 1982, section 14.07, subdivision 1, clause (f).

Performance:

~~During fiscal year 1984, the office handled 185 sets of rules for form approval or drafting assistance. This figure is up from the 140 sets prepared in fiscal year 1983. This is consistent with the general trend of giving agencies more rulemaking authority to deal with issues involving their special expertise.~~

The comparisons listed below show quite clearly that agencies are engaging in more rulemaking and our office is providing additional assistance to these agencies.

Our office prepared 390 rough or preliminary drafts in fiscal year 1984, up from 294 in fiscal year 1983; 241 final proposed rules, up from 171 last year; 138 stripped proposed rules up from 75 last year; 95 modifications, up from 73 last year; 135 final adopted rules, up from 117 last year; 103 notices of adoption, up from 84 last year; and 111 stripped adopted rules, up from 78 last year. The average number of pages in the final proposed rules was 15.5, up from 14.5 last year; and the average number of pages in the final adopted rules was 16.8, up from 12.3 last year.

Problems:

None

Function:

- Compiling and publishing the Laws of Minnesota, Minnesota Statutes, and Minnesota Statutes Supplement together with an index and finding aids.

Source of Mandate: Minnesota Statutes 1982, sections 482.07, subdivision 1; and 648.31, subdivisions 1 to 4 (to be recodified as Minnesota Statutes 1984, sections 3C.06 and 36.08).

Performance:

Laws 1984 was distributed on July 13, 80 days after the end of the 1983-1984 legislative session. This can be compared to about 120 days in 1983. This accomplishment represents a concerted effort on the part of those involved in editing to meet the needs of the public in a timely and most efficient manner. During the year preceding publication, editing personnel conducted studies on:

1) methods to reduce production time for the publication of session laws, including examination of demand for and format of certain tables and finding aids; and

2) the frequency of laws with effective dates shortly following final enactment, as well as methods of curtailing the number of these laws and meeting the need to distribute the laws promptly.

The computer staff pioneered a program to produce by computer a preliminary table of affected statutory sections, without the use of individual cards, reducing tremendously the time formerly taken to input the table and enhancing its accuracy.

Minnesota Statutes 1984 will include complete text revisions of chapters 1, 16A, 177, 300, 373, and 375. A new table will be added providing cross-references to Minnesota Rules. The number and complexity of instructions to the revisor, including a profusion of renumbering instructions, remain a challenge. The target date for receipt of the 1984 statutes is November 1.

Reaction to publication of Minnesota Statutes 1983 Supplement in pocket-part form was uniformly favorable. The format will be continued.

Problems:

Problems with editorial work on these publications were kept to a minimum. People new to editing last year had last year's experience to benefit from and worked even more smoothly and efficiently this year. The smoothness and efficiency of

editorial operations this year highlights the need to maintain a stable staff in this area. The majority of work on rules recompilation having been finished, it was possible for the editorial staff to concentrate more fully on other publications projects.

The need for more promotion of the books published by the revisor has become evident. Because Minnesota Rules is new, some way other than "word of mouth" was needed to let people know why it should be purchased, where it can be purchased, and its cost. As a result, a direct mail brochure has been prepared to help market Minnesota Rules. Increased sales of Minnesota Rules, as well as Minnesota Statutes, Laws of Minnesota, and the various supplements will provide additional revenue to the state as well as lowering the individual purchase price for each set. Until now, the revisor has depended on promotion by the Department of Administration since they sell the books. This has proven ineffective and unsatisfactory. If the direct mail brochure for Minnesota Rules proves successful, then similar brochures will be developed for other publications as well.

Function:

- examining all administrative rules and approving or rejecting their form.

Source of Mandate: Minnesota Statutes 1982, section 14.07, subdivision 2.

Performance:

~~In fiscal year 1984, no final proposed rules or final adopted rules were disapproved.~~

The average time the office took to prepare and certify the 241 final proposed rules handled this year was 1.56 days. Last year 171 rules were handled in an average of 2.92 days. Substantial economies were obtained with roughly the same staff as last year though 70 additional rules were processed.

The average time the office took to prepare and certify the 135 final adopted rules it handled this fiscal year was 1.29 days. Last year 117 final adopted rules were handled in an average of 2.23 days. The Administrative Procedure Act gives our office five working days to process these certifications.

The office sponsored three law changes that were enacted by the 1984 legislature. Two relate to the office's approval functions. Incorporations by reference in rules will now contain detailed information for users of Minnesota Rules to better enable them to identify and locate these documents. The other change requires agencies to obtain the revisor's certification on all amendments or modifications to proposed rules. This change will ensure that these documents are formatted in a manner consistent with proposed and adopted rules and it will guarantee that our rule drafting data base contains the final version of a particular rule.

Problems:

None

Function:

- publish rules adopted by the Minnesota Supreme Court and other courts.

Source of Mandate: Minnesota Statutes 1982, section 480.057 (to be codified as Minnesota Statutes 1984, section 3C.08, subdivision 1.)

Performance:

Despite the fact that a supplement to Minnesota Statutes has been published in odd-numbered years since 1973, none of those supplements also supplemented the court rules that were included in the set. Court rules were only updated in even-numbered years when the full set of statutes was republished. With the switch in 1983 to pocket-part supplementation of the 1982 set, it was decided that it was time to supplement the court rules on the same schedule as the statutes.

Work on the 1983 pocket-part supplementation of the court volume began after the 1983 session and was successfully completed on schedule. It turned out that 1983 was an excellent year to start annual publication of court rule changes because the courts were unusually active in amending old rules and adopting new rules. The court rule project staff compiled and edited 341 pages of new and amendatory text. The pocket-part supplement was provided with a preface designed to help readers locate court rule changes and to coordinate the text of the main volume with the supplement.

The court rule project staff is currently preparing the 1984 edition of the court rule volume. This publication project involves:

- 1) collecting, compiling, coding, keyboarding, and proofing new and amendatory court rule material;
- 2) integrating 1983 supplement changes with our court rule data base;
- 3) corresponding with judicial agencies to receive updating information with respect to court rules and court personnel; and
- 4) updating the preface to the court rule volume to reflect changes in the judicial system and personnel during the past two years.

The revisor's office has developed an informal framework for cooperation between our office and the state court administrator, clerk of appellate courts, district court administrators, and

other judicial agencies which ensures that we publish current and accurate sets of rules. This has proven an excellent means for resolving problems. These informal arrangements have helped to resolve the problems mentioned in last year's report about inadequate notice and editing powers on the court rules.

Problems:

None

Function:

- Compiling and publishing Minnesota Rules and Minnesota Rules Supplement together with an index and finding aids.

Source of Mandate:

Minnesota Statutes 1982, section 14.47.

Performance:

The six volumes of text and tables of Minnesota Rules were delivered in March 1984. Volume 7, the index for Minnesota Rules 1983, was delivered in June 1984.

All editorial and data entry work was completed by mid-October 1983 as scheduled. The last of the pages were returned to us from the compositor on December 8, 1983. Despite the number and complexity of graphs, tables, illustrations, etc. that are contained in the rules, composition, as well as data entry, went extremely well.

Coordination of work among our printer, compositor, and internal staff went very smoothly.

The index to Minnesota Rules 1983 was delivered to our office on June 8, 1984. As had been planned, the index was published after the text of the rules because West Publishing worked with composed copy for their editorial work.

Editorial, composition, and computer standards for the index were developed by the revisor's staff over the past two years. During the editorial work the assistant deputy revisor for indexing worked with the West editors and reviewed the indexing as it progressed.

The result of West's actual editing work, done over a four-month period, is an 887 page index which contains about 100,000 entries listed under 5,287 main headings.

Attorney and data entry work on the Minnesota Rules Supplement is being done as the drafts are adopted. This is progressing well. The cut-off date for new adoptions has been extended to July 9; thus the supplement will be available for distribution in late 1984.

User reaction to the recompiled Minnesota Rules has been very favorable.

Problems:

Corrections on Minnesota Rules 1983 were not completed by the printer as expeditiously as we had anticipated; therefore, the distribution was later than originally planned. There were several running heads, which were comprised of the chapter titles, that were very long, thus causing numerous corrections. We are in the process of editing chapter titles before the next publication to minimize the recurrence of this problem.

All exceptions matter had to be reviewed, edited, and camera-ready copy prepared, which was a time-adding factor for the initial publication. However, since this material is rarely altered, copy can be reused for future publications, eventually resulting in a time savings.

Since many outstanding rule drafts were not adopted at the time of our cut-off for initial publication, much of the supplement material will need to be recompiled. This process will continue until the "transition time" from MCAR to MN Rule format is completed.

Function:

- Preparation and printing of pamphlets containing extracts from Minnesota Statutes and Minnesota Rules.

Source of Mandate: Minnesota Statutes 1982, section 648.43 (to be recodified as Minnesota Statutes 1984, section 3C.11, subdivision 2).

Performance:

This was the second year the revisor's office prepared extracts of statutes for the State Register and Public Documents Division of the Department of Administration (Documents). Statutory editing has filled 22 requests for Documents since July of 1983.

A computer program with a range-print capability has simplified the procedures for providing statutory materials to Documents. Most agencies wish to print new booklets containing all their statutes instead of booklets containing materials from the supplement. By printing from our data base, we can provide up-to-date materials which can be made camera-ready for preparation of the booklets.

There were 38 requests for extracts of MCAR and Minnesota Rules for fiscal year 1983.

We are providing Documents with pages from Minnesota Rules 1983, or if the rules requested have been amended, a printout from our computer data base. In some cases, we provide both printer pages and a computer printer copy. We also provide Documents with a revisor's certificate, a "suggested" cover, and if needed, a concordance table.

With the Minnesota Rules pages, the retrievable data base, and the range print, the amount of time spent on preparing extract requests has decreased considerably.

Problems:

By agreement with the Department of Administration (see last year's report), agencies send them their requests to have a pamphlet created that contains statutes, rules, or both relating to the requesting agency. Because of confusion over the change from MCAR to Minnesota Rules, and mistakes by the requesting agency or the Department of Administration, the revisor's staff has had to "interpret" or "second-guess" virtually every request that has been made. Despite the implementation of new processing techniques, some of the requests take a great deal of time when there is either a long list of individual sections or rules

requested, or there are mistakes in the request. (There is usually at least one phone call necessary on each request just to clarify vague wording on the request.)

In checking final rules and statutes extracts, we have found some problems. The revisor's certificate has appeared in such a position as to appear to certify material that was not supplied by the revisor's office. Since material is often added externally, the final product is virtually impossible for us to totally oversee.

Function:

- accumulating data on the operation and effect of laws in Minnesota and other states.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (2) (to be recodified as Minnesota Statutes 1984, section 3C.04, subdivision 2.)

Performance:

This mandate was apparently intended to result in the revisor's maintaining a library. For many years the revisor did maintain extensive files on the operation and effect of laws and actively acquired more information for the files. It was concluded, however, that this mandate duplicated the mandate of the legislative reference library. So, the files were turned over to that library and active work on expanding the files ceased by the revisor.

Now, this mandate is fulfilled by the revisor's active encouragement of the staff to request acquisition of specialized legal treatises in their assigned bill drafting subject areas. Several have acquired modest collections which they actively use in drafting work.

This function requires only minimal work by the staff on an ongoing basis.

Problems:

None

Function:

- indexing bills and resolutions drafted for the legislature.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (3).

Performance:

The office maintains an index of all requests received for bills and resolutions. Each request is assigned a bill drafting number, a general subject matter title, and a brief subtitle identifying the particular thrust of the legislation.

The index consists of two parts. One part lists the requests under general subject matter titles. The other part lists all requests made by each legislator or agency under the name of the legislator or agency.

This function requires only minimal work by the staff on an ongoing basis. The function was omitted from the recodification in Laws 1984, chapter 380, as mandating nothing more than what would ordinarily be done as part of the ongoing work of the office. Consequently, it will be dropped from future annual reports.

Problems:

None

Function:

- prepare and have available for use indexes of the permanent and general laws and all permanent local laws of this state.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (4) (to be recodified as Minnesota Statutes 1984, section 3C.08, subdivision 1).

Performance:

The indexes for Laws of Minnesota 1983 and Minnesota Statutes 1983 Supplement were completed on time. The responsibility for the Laws index was shifted within the office to the assistant deputy revisor for indexing. The index generally followed the format of previous Laws indexes. The Statutes index was published as a pocket part in volume 10 of the 1982 statutes. The index differed from previous supplement indexes in that for amendatory law, entries were made only when the existing volume 10 entries were inadequate. For new law, the coverage in the supplement was complete.

The 1984 publications indexes are progressing on schedule at the date of this report. The production schedule for Laws was reduced to 60 days after the end of session. To accommodate this deadline, all work on the Laws index was completed by May 30. The 1984 Statutes index will follow the pattern of former indexes. The Local Laws Index, Table I, will include all Minnesota law, from the first territorial session in 1849 to the present in the 1984 statutes.

The indexes for all the revisor's publications will make use of several computer programs generated by our computer staff. Examples are: checking alphabetization at all levels of entry, word searches, and listing of "see" and "see also" references.

Problems:

The reindexing of Minnesota Statutes must be a high priority for our office. Funds were appropriated in 1981 to reindex Minnesota Statutes but were later deleted as part of the cutbacks due to the state's fiscal crisis. The need for a new index for Minnesota Statutes remains. In the next several months a decision will need to be made about whether to seek funds for the reindexing and whether to do it in-house or to contract it to an outside vendor.

Function:

- maintaining files of all documents prepared by the revisor's staff.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (5).

Performance:

~~This mandate appears to require only the maintaining of normal records necessary to the drafting process. This has been done.~~

This function requires only minimal work by the staff on an ongoing basis. This function was omitted from the recodification in Laws 1984, chapter 380, as mandating nothing more than what would ordinarily be done as part of the ongoing work of the office. Consequently, it will be dropped from future annual reports.

Problems:

None

Function:

- preparing studies of laws and special bills to revise laws as directed by a committee appointed by the legislature or the governor.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (6) (to be recodified, in modified form, as Minnesota Statutes 1984, section 3C.03, subdivision 2).

Performance:

No special committees were appointed by the legislature or the governor involving bill drafting in which the revisor was asked to furnish assistance.

This provision was modified in the recodification in Laws 1984, chapter 480, to omit the requirement of "preparing studies." The preparation of studies is performed by other offices. The mandate remains to prepare special bills as directed by a committee or the governor. However, this duty is indistinguishable from requests from other sources. Consequently, this function will be dropped from future annual reports.

Problems:

None

Function:

- preparing and publishing a bill drafting manual.

Source of Mandate: Minnesota Statutes 1982, section 648.09, clause (7) (to be recodified as Minnesota Statutes 1984, section 3C.03, subdivision 4).

Performance:

An extensive revision of the bill drafting manual has been in progress since adjournment of the 1984 session. Most of the attorneys are participating, as is the writing standards assistant. Comment from other legislative offices is being encouraged. The new edition will be published in the autumn of 1984.

Problems:

Coordination of input from various sources, changes in format, and the need to develop computer printing codes make the project cumbersome.

Handwritten notes:
2001-2002
2003-2004
2005-2006
2007-2008
2009-2010
2011-2012
2013-2014
2015-2016
2017-2018
2019-2020
2021-2022
2023-2024
2025-2026
2027-2028
2029-2030
2031-2032
2033-2034
2035-2036
2037-2038
2039-2040
2041-2042
2043-2044
2045-2046
2047-2048
2049-2050

Function:

- preparing and publishing a rule drafting manual.

Source of Mandate: Minnesota Statutes 1982, section 14.07, subdivision 1, clause (2).

Performance:

The permanent rule drafting manual was completed and distributed on schedule. It was widely distributed before the publication of Minnesota Rules and before our office began drafting in the new form on February 1, 1984.

Since its publication five months ago, the quality of the drafts received by our office has improved slightly, and we expect this improvement to continue as agencies become more familiar with the new style and form requirements.

Problems:

In recent years, major changes in the Administrative Procedure Act have occurred almost yearly. Consequently, the rule drafting manual has required revision almost yearly. Because of the frequency of changes, it is difficult to keep the manual current.

Handwritten notes:
1/11/84
1/11/84
1/11/84

Function:

- engrossing and enrolling bills for the senate and house.

Source of Mandate: Minnesota Statutes 1982, section 648.09, clause (8) (to be recodified as Minnesota Statutes 1984, section 3C.04, subdivision 5); Joint Rule 2.07.

Performance:

A total of 994 engrossments were completed in 1984. This represents an increase of ten percent over the 1982 session and the highest number of engrossments in an even-year session in ten years of record keeping.

The work of enrolling bills went smoothly and the number of enrollments was up slightly to 298, over the 1982 session total of 286.

Problems:

None

Function:

- preparing a biennial report on Supreme Court opinions which criticized or found statutes to be unconstitutional.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (10) (to be recodified as Minnesota Statutes 1984, section 3C.04, subdivision 3).

Performance:

~~During 1983, which was the interim year between the~~ statutorily mandated biennial reports on Supreme Court opinions, past reports dating back to 1970 were reexamined to determine which statutory changes recommended remained undone. This examination revealed that many of the changes, whether specifically recommended or implied from the language of the court, had in fact been made.

Some 13 statutory changes recommended over this period were determined not to have been made. These were presented to the revisor's subcommittee, which approved three of them for inclusion in a "conformance" bill, which became Laws 1984, chapter 525. It now appears that the conformance bill will be an annual feature of the revisor's "continuous revision" of the statutes.

The remaining proposals for statutory change were referred by the subcommittee to the appropriate substantive committee of each house for disposal as deemed appropriate.

Problems:

Care must be exercised in recommending statutory changes, for there usually exists more than one way of making the change. If any possibility exists that there may be more than one feasible solution, referral to the committee having jurisdiction of the subject matter is appropriate.

The Supreme Court will often state in deciding a case that "Any change in the law is a matter for the legislature," or words of similar import. An examination of cases containing such statements will usually lead the reader to conclude that the legislature probably intended the construction arrived at by the court. Thus no statutory change is probably called for. A more precisely stated call for clarity and, even more, a declaration of unconstitutionality are situations that more clearly call for remedial legislation within the scope of the legislatures mandate to the revisor.

Function:

- keeping records on legislation passed by the legislature.

Source of Mandate: Minnesota Statutes 1982, section 648.37, subdivision 1.

Performance:

This somewhat ambiguous mandate has existed since the revisor's office was established in 1939. As a technical matter, the secretary of the senate and chief clerk of the house maintain all official records of the legislature. Many of the documents are deposited with the legislative reference library which serves partially as the legislature's archivist.

The revisor does keep engrossing and enrolling records. However, after each session the oldest records are returned to the custody of the secretary and chief clerk.

The revisor does maintain office records of any errors found in an enrollment. These records serve as one of the bases for the corrections included in each year's revisor's bill.

In last year's report it was recommended that this mandate be amended or repealed. As part of the recodification of laws relating to the revisor's office in Laws 1984, chapter 480, this function was eliminated as unnecessary. Consequently, this is the last report in which this function will appear.

Problems:

None

Function:

- serve as one of the four state commissioners on the Uniform Laws Commission.

Source of Mandate: Minnesota Statutes 1982, section 3.251.

Performance:

Office duties under this section were discharged by review throughout the year of drafts of proposed uniform acts, attendance and participation in the debates of the 1983 uniform laws conference, and service on committees. Eight acts that relate to criminal procedure, frauds, wills, securities, and real property are scheduled for consideration at the next conference.

Problems:

None

Function:

- preparing and submitting bills to the legislature which clarify existing statutes.

Source of Mandate: Minnesota Statutes 1982, section 648.37, subdivision 2 (to be recodified as Minnesota Statutes 1984, section 3C.04, subdivision 4); Joint Rule 2.01, sixth unnumbered paragraph.

Performance:

Several bills of different kinds prepared under this section were passed by the legislature at the 1984 session.

The style and form of Minnesota Statutes, chapters 1, 16A, 177 and 300 were generally revised to simplify, modernize and abbreviate their language. Similar revisions of chapters 16, 373, and 375, were prepared for use by members.

A bill to correct cross-references, conflicts and numerous other miscellaneous problems was proposed and passed. At the end of the session, an article was added to the item by item revisor's corrections bill to catch errors and conflicts noted during the 1984 session. A bill to clarify the laws governing the operation of the revisor's office was passed after being laid over by the 1983 session. Various amendments to conform Minnesota Statutes to constitutional or other objections raised by the courts were adopted in a revisor's bill or submitted to other committees for consideration.

Problems:

Revisor's bills of all kinds were well received by the legislature in 1984. Work on text revision highlighted the enormous size of the project. Work on gender-specific language problems will share the resources available for other revisor's law improvement assignments in the near future.

Function:

- preparing bill comparison reports for the secretary of the senate and chief clerk of the house.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (9) (to be recodified as Minnesota Statutes 1984, section 3C.04, subdivision 6); custom and usage of the legislature (requested by secretary of the senate and chief clerk of the house.)

Performance:

~~Comparison reports have to be prepared overnight. The difficulty of preparing reports depends on the length of the comparison bills and the amount of difference between them. Some reports are so complex that staff must stay the entire night to prepare them.~~

A companion report details the differences between companion bills. In an average year about 150 reports are prepared. There were 212 prepared for the 1984 session, a number that is close to a record. Last year's performance report recommended the elimination of these comparisons as inaccurate and unused. This recommendation prevailed in the senate where the rules committee permitted the use of short form comparisons. However, because the new form was not approved until the last ten days of the session, most of the senate's comparisons were the long form comparisons.

The house remains adamant in its requirement for comparison reports. The revisor's staff has searched for a computer program to assist in the work. However, none has been found and the computer staff doesn't think one exists. Even if none is found, the reduction in the work on comparisons by the senate will provide relief to the office.

The office performed this tedious task in an efficient manner in 1984 with no complaints. This represents an improvement over the 1983 session at which there was a major complaint on the quality of comparisons (see last year's report).

Problems:

Comparison reports are very difficult to prepare. Elimination of the reports would free staff time, particularly supervisors' time, for more useful work.

Function:

- preparing special comparisons of appropriations bills for use by appropriations conference committees to arrive at a compromise on major appropriations bills.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (9) (to be recodified as Minnesota Statutes 1984, section 3C.04, subdivision 6); custom and usage of the legislature (requested by staff of house appropriations committee and senate finance committee).

Performance:

These comparisons are designed as a crucial aid in preparing long conference committee reports so that end-of-session deadlines can be met. The comparisons are complicated and very time-consuming to prepare. In prior years, these comparisons were prepared by a few supervisory staff members. Over the years, fewer and fewer people knew how to prepare them. This year, several attorneys, on their own initiative, learned how to prepare the reports and completed them themselves. They reported that preparation of the comparison provided useful insights to improve the drafting quality of the final bill. This change shows much promise for future years.

The comparisons were prepared on the supplemental appropriations bill and the building bill and were used by the legislators and staff in the preparation of the conference committee reports.

Problems:

Lack of early agreement as to a parallel format for the house and senate bills continues to present difficulties in preparing these special comparisons.

Handwritten notes:
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...

Function:

- developing and maintaining a computer system for use by the revisor's office for the production of legislative documents.

Source of Mandate: None, but the use of the computer system is the most efficient means of accomplishing work otherwise mandated.

Performance:

Our system was upgraded with a faster processor (IBM 4341 9L), more than double the disc space (3380) and latest release of the operating system.

The conversion to our own system, begun in the fall of 1982, was completed with the installation of IBM 3279 terminals and the conversion of the publishing programs. The new terminals and system were received enthusiastically because of their reliability and speed. This again was accomplished with no cost increases.

Our entire computer system along with the system staff were moved from the State Office Building. With the generous assistance of ISB, we moved staff and system to the fifth floor Centennial Building in February with one day down time.

Computer searching of the statutes was made available at any terminal.

Aids too numerous to list were provided to the editing staff dealing with:

- Automatic creation of publication tables (Table 2, Statute Allocation Table, Statute Chapter Analytical Table, Statute Internal Cross-Reference for the Supplement, Rules Chapter Analytical Table, Rules Statutory Authority, etc.)
- Consistency checking (finding MCAR references in statutes, references to repealed sections and rules in all publications, etc.).
- Indexing of Minnesota Statutes, Minnesota Rules, and Laws.

A "help" facility and a way to do printing of statute and rule extracts was added to the on-line program.

Over the years, several agencies, persons, businesses, or groups have indicated interest in gaining direct computer access to a portion of the revisor's computer data bases. This year, speculative talks about access. Consequently, a policy on public access to the revisor's computer data base was developed. Implementation of that policy is now under way. The provision of access to the public will be with a charge. Consequently, the activity will generate an additional modest amount of revenue for the state.

Problems:

The temporary quarters for staff and system at ISB are cramped and do not provide good working conditions for development work. Our people have to work in crowded and distracting surroundings. Our system was installed in aisles in the ISB machine room with several pieces in a dusty room.

Working with users is more difficult because of our remote location.

It was decided to use the "conditioned shell" concept of catastrophic recovery. This involves preparing a site with raised floor and sufficient air conditioning so that new equipment could be installed in case our system was wiped out. Room 3, after the completion of the move back to the State Office Building, with its raised floor and existing communication wiring, would make an excellent shell. Additional attention needs to be paid to catastrophic recovery matters.

Function:

- upon request, assist senate and house staff preparing new computer systems for their use.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (9) (to be recodified as Minnesota Statutes 1984, section 3C.04, subdivision 6); custom and usage of the legislature (requested by senate staff).

Performance:

Senate Counsel was assisted in their word processing planning.

A plan to automate the senate index was jointly developed.

We are involved with house desk people in increasing their use of our system directed to the goal of automating the house journal and associated work.

Problems:

None

Function:

- obtaining and maintaining computer terminals, printers, and other equipment for use by the revisor's office and other legislative agencies for the production of legislative documents.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (9) (to be recodified as Minnesota Statutes 1984, section 3C.04, subdivision 6); custom and usage of the legislature (requested by senate and house staff).

Performance:

As a part of the system upgrade, we provided and installed:

- 5 IBM 3279s for senate counsel.
- 8 IBM 3279s for the senate journal and committee report work.
- 3 IBM 3279s for house research.
- Xerox 2700 laser printer to replace the Diablo printers in house research and DFL majority.
- 16 IBM 3279s in the revisor's office.

We added:

- 3 IBM 3279s for revisor system staff use.
- 2 IBM 3279s and a Xerox 2700 for the house desk staff.
- Two senate counsel displaywriters to our system.

We installed a terminal connection system from Astrocom Corporation which simplified our terminal writing problems especially with the move.

Problems:

Moving offices and their computer equipment around requires careful planning and a lot of work. As more and more terminals are installed, this should be considered in any relocation plans.

Function:

- drafting conference committee reports.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (9) (to be recodified as Minnesota Statutes 1984, section 3C.04, subdivision 6); custom and usage of the legislature.

Performance:

The office prepared 48 conference committee reports in 1984. This was a decrease from the 1982 and 1983 totals of 62 and 92. (This is the only statistic that went down during the year.) Many of these documents were very large but all were completed promptly. They were, as always, prepared under urgent conditions.

Attorneys were assigned to assist conference committees on the basis of special expertise before the actual requests for reports came into the office. The legal staff were instructed to inform conferees that the office was ready to assist as soon as and, in some cases, even before they were formally appointed. These practices resulted in the advance acquisition of information on when most conference committee reports would have to be prepared. As a result, advance planning to provide sufficient staff to complete the work expeditiously was possible.

Problems:

Present procedures require the conferees to sign five copies of each conference committee report. A variety of problems are connected with this requirement. For example, there is delay in getting all the copies signed and checking to ensure that all conferees have signed all copies. Conference committee reports are frequently returned with faulty signatures on one or more of the copies. The legislature should consider requiring only one signed copy of a conference committee report instead of the present five. Copies could be duplicated as necessary.

Function:

- providing legal assistance to the legislative committee to review administrative rules.

Source of Mandate: Minnesota Statutes 1982, section 482.09, clause (9) (to be recodified as Minnesota Statutes 1984, section 3C.04, subdivision 6); custom and usage of the legislature (requested by the LCRAR).

Performance:

The assistant deputy revisor for rules was assigned as counsel for the LCRAR. This position was in addition to this person's other drafting duties. At the request of counsel, other attorneys in the office provided advice on specific issues related to their specialties.

Counsel's duties include attending all commission hearings; reviewing preliminary assessments, staff reports, and other documents issued by the commission; and providing legal advice to staff and commission members as requested.

The LCRAR staff consists of an executive director and a secretary. The legal assistance provided by this office was essential to the functioning of the commission.

Problems:

None

Function:

- remove all gender-specific references in Minnesota Statutes.

Source of Mandate: Laws 1984, chapter 480, section 21.

Performance:

The mandate to perform this four-year project did not become effective until July 1, 1984. However, in advance of the effective date, several important steps were taken toward the project. First, a project manager was appointed to guide the project through the four years. Second, draft guidelines were prepared, discussed internally, and approved by the revisor. Third, a timetable was created for accomplishing the project. The timetable was created after several tests to determine the amount of statute text and staff time to be involved in the project. Fourth, plans were worked out with the computer staff to utilize the computer to facilitate the project.

A major complication of the project was the need for rapid development of various utility computer programs to facilitate the completion of the project. Examples are: the ordinary statutory search program was not adequate and a special program had to be developed; special methods of segregating, modifying, and reintegrating statutory text had to be developed; methods of updating material had to be developed. The computer staff already has a heavy workload but they developed the necessary programs that permitted early decisions on the final plans to complete the project.

Problems:

Several difficulties have arisen in accomplishing the project exactly as outlined in the law. For example, it may be difficult to complete the neutralization in an interim and then have it approved in final form by the legislature at the subsequent session. These difficulties can be resolved by "housekeeping" amendments to the original law. The revisor will propose amendments as necessary.

Some members of the staff have doubts as to the wisdom and utility of the project itself and the project as outlined in the draft guidelines. A meeting was held to try to resolve those doubts. Ultimately, the only solution for those staff members may have to be that they realize that the policy decision on whether the project will be done has already been made by the legislature. It is now up to them to accomplish it as best they can.